

## CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1287

**Citations Affected:** IC 8-23-9-0.5; IC 9-13-2-173.3; IC 9-16-1-7; IC 9-21-8; IC 9-22-1; IC 33-37-5-14.

**Synopsis:** Procurement and state public works. Requires the department of transportation to: (1) publish a notice of the time and place for the receiving of bids for a state highway contract in a newspaper; and (2) provide electronic access to the notice through the computer gateway administered by the office of technology. Requires all license branches that provide state identification cards (rather than only full service branches) to be open on the day before election day and on election day to issue driver's licenses and state identification cards. Corrects a cross-reference to the definition of "election day". Provides that a license branch is not required to be open on election day or the day before election day to issue driver's licenses and identification cards if there are no precincts in the county in which an election is held on election day. Requires the bureau of motor vehicles commission to designate another day as time off for a commission employee who works on an election day. (Current law requires the commission to designate another day as compensatory time off.) Provides for the removal of a vehicle or parts left on a highway in the state highway system within 24 hours after the vehicle or part is tagged. Provides that a person who operates a vehicle in a highway worksite zone (1) in a reckless manner; or (2) attempting to endanger the safety or property of individuals authorized by the Indiana department of transportation or the appropriate local entities to be in a highway worksite zone; commits a Class A misdemeanor. Authorizes the collection of a highway worksite zone fee under certain circumstances. Requires that if: (1) an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle; and (2) proceeds from the sale of the vehicle covered the removal, towing, and storage expenses (as opposed to just storage expenses under current law); the remaining proceeds from the sale of the abandoned vehicle must be returned to the previous owner of the vehicle if the previous owner is known. Provides that a municipal corporation that operates a storage yard may dispose of an abandoned vehicle to an automobile scrapyard or an automobile salvage recycler upon removal of the vehicle. Repeals a superseded statute. **(This conference committee report does the following: (1) Adds the provisions relating to operation of license branches on election day from SB 105. (2) Adds the provision relating to municipal salvage yards from SB 331. (3) Reconciles conflicts with HB 1108. (4) Corrects technical errors in the bill.)**

**Effective:** Upon passage; July 1, 2006.

# CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1287 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning motor
- 3 vehicles and transportation.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 8-23-9-0.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2006]: **Sec. 0.5. The department shall:**
- 8 (1) **give notice of the time and place for the receiving of bids**
- 9 **under this chapter in accordance with IC 5-3-1; and**
- 10 (2) **provide electronic access to a notice of the date, time, and**
- 11 **place for the receiving of bids under this chapter through the**
- 12 **computer gateway administered by the office of technology.**
- 13 SECTION 2. IC 9-13-2-173.3 IS ADDED TO THE INDIANA
- 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2006]: **Sec. 173.3. "State highway system"**
- 16 **has the meaning set forth in IC 8-23-1-40.**
- 17 SECTION 3. IC 9-16-1-7, AS ADDED BY P.L.221-2005,
- 18 SECTION 142, IS AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) This section does not**
- 20 **apply to a license branch in a county if there are no precincts in the**
- 21 **county in which an election is held on election day.**

(a) (b) On each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~; **IC 3-5-2-18**), all ~~full service~~ license branches **that provide state identification cards** must remain open from 6:00 a.m., local time, to 6:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(b) (c) On the day before each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~; **IC 3-5-2-18**), all ~~full service~~ license branches **that provide state identification cards** must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(c) (d) The commission shall:

(1) designate another day as ~~compensatory~~ time off; or

(2) authorize overtime pay;

for license branch personnel required to work on an election day.

SECTION 4. IC 9-21-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) It is unlawful for a person to knowingly fail to comply with a lawful order or direction of a law enforcement officer invested by law with authority to direct, control, or regulate traffic.

(b) **Except as otherwise provided in this chapter, a person who violates this chapter commits a Class C infraction.**

SECTION 5. IC 9-21-8-56 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 56. **A person who operates a vehicle in a highway worksite zone:**

(1) **in a reckless manner; or**

(2) **attempting to endanger the safety or property of individuals authorized by the Indiana department of transportation or the appropriate local entities to be in a highway worksite zone;**

**commits a Class A misdemeanor.**

SECTION 6. IC 9-22-1-4, AS AMENDED BY P.L.104-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (c), the person who owns an abandoned vehicle or parts is:

(1) responsible for the abandonment; and

(2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the **removal, towing, and** storage expenses, any remaining proceeds

from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 7. IC 9-22-1-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11.5. An officer who finds or is notified of a vehicle or part believed to be abandoned on a highway in the state highway system shall attach a notice tag in a prominent place on the vehicle or part. The notice tag must contain the following information:**

(1) **The date and time the notice is attached.**

(2) **The officer's name.**

(3) **The name, address, and telephone number of the public agency or the Indiana department of transportation that may be contacted for information.**

(4) **That the vehicle or part is considered abandoned.**

(5) **That the vehicle or part will be removed after twenty-four (24) hours.**

(6) **That the person who owns the vehicle or part will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or part.**

(7) **That the person who owns the vehicle or part may avoid costs described in subdivision (6) by removing the vehicle or part within twenty-four (24) hours.**

SECTION 8. IC 9-22-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. If a vehicle or a part tagged under section 11 **or 11.5** of this chapter is not removed within the ~~seventy-two (72) hour~~ **specified** period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

SECTION 9. IC 9-22-1-13, AS AMENDED BY P.L.104-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) If in the opinion of the officer the market value of an abandoned vehicle or parts determined in accordance with section 12 of this chapter is less than:

(1) five hundred dollars (\$500); or

(2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the officer shall immediately dispose of the vehicle to a ~~towing service.~~ **storage yard.** A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. ~~The~~ **A towing service may dispose of the abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A municipal corporation (as defined in IC 36-1-2-10) that operates a storage yard as authorized under IC 36-9-30-3 may dispose of the abandoned vehicle to an automobile scrapyards or an automotive salvage recycler upon**

**removal of the abandoned vehicle.** The public agency disposing of the vehicle shall retain the original records and photographs for at least two (2) years.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars (\$750).

SECTION 10. IC 9-22-1-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.5. (a) This section applies only to an abandoned vehicle or part abandoned on a highway in the state highway system.**

(b) **If, in the opinion of the officer, the market value of the abandoned vehicle or part determined in accordance with section 12 of this chapter is at least:**

(1) **five hundred dollars (\$500); or**

(2) **in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;**

**the officer, before placing a notice tag on the vehicle or part, shall make a reasonable effort to ascertain the person who owns the vehicle or part or who may be in control of the vehicle or part.**

(c) **After twenty-four (24) hours, the officer shall require the vehicle or part to be towed to a storage yard or towing service.**

SECTION 11. IC 9-22-1-19, AS AMENDED BY P.L.104-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage yard or towing service under section 13, 14, **14.5**, or 16 of this chapter, the public agency or towing operator shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

(1) The make.

(2) The model.

(3) The identification number.

(4) The number of the license plate.

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing operator fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) may collect further reimbursement under this chapter only for

1 additional storage costs incurred after notifying the bureau of the  
2 removal of the abandoned vehicle.

3 SECTION 12. IC 33-37-5-14 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section  
5 applies to criminal, infraction, and ordinance violation actions that are  
6 traffic offenses (as defined in IC 9-30-3-5).

7 (b) The clerk shall collect a highway worksite zone fee of fifty cents  
8 (\$0.50). However, the clerk shall collect a highway worksite zone fee of  
9 twenty-five dollars and fifty cents (\$25.50) if:

10 (1) the criminal action, infraction, or ordinance violation is:

11 (A) exceeding a worksite speed limit (as provided in IC 9-21-5-2  
12 and authorized by IC 9-21-5-3); ~~or~~

13 (B) failure to merge (as provided in IC 9-21-8-7.5); ~~and or~~

14 **(C) reckless driving that endangers the safety of an**  
15 **individual authorized by the Indiana department of**  
16 **transportation or the appropriate local entities to be in a**  
17 **highway worksite zone (as provided in IC 9-21-8-56); and**

18 (2) the judge orders the clerk to collect the fee for exceeding a  
19 worksite speed limit, ~~or~~ failure to merge, **or reckless driving that**  
20 **endangers the safety of an individual authorized by the Indiana**  
21 **department of transportation or the appropriate local entities**  
22 **to be in a highway worksite zone.**

23 SECTION 13. IC 9-21-8-49 IS REPEALED [EFFECTIVE JULY 1,  
24 2006].

25 SECTION 14. **An emergency is declared for this act.**

(Reference is to EHB 1287 as printed February 17, 2006.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1287**

**S**igned by:

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Representative Duncan  
Chairperson

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Senator Landske

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Representative Van Haaften

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Senator Rogers

**House Conferees**

**Senate Conferees**